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**PATENT**  
Attorney No. ADI-098  
(120290/155733)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS: Van Noy et al.      CONFIRMATION NO.: 7808  
SERIAL NO.: 10/712,790      GROUP NO.: 3728  
FILING DATE: November 13, 2003      EXAMINER: Not Yet Assigned  
TITLE: Shoe Ventilation System

**CERTIFICATE OF FIRST CLASS MAILING UNDER 37 C.F.R. 1.8**

I hereby certify that this correspondence, and any document(s) referred to as enclosed herein, is/are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 1<sup>st</sup> day of September 2005.

  
Diane Racicot

**Mail Stop Amendment**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Submitted herewith is/are:

1. Transmittal Form (1 pg.);
2. Fifth Supplemental Information Disclosure Statement (2 pgs.);
3. Form PTO-1449 (1 pg.); and
4. Return receipt postcard



# TRANSMITTAL FORM

Application Serial Number	10/712,790
Filing Date	November 13, 2003
First Named Inventor	Van Noy
Group Art Unit	3728
Examiner Name	Not Yet Assigned
Attorney Docket No.	ADI-098
Confirmation No.	7808
Patent No.	Not applicable
Issue Date	Not applicable

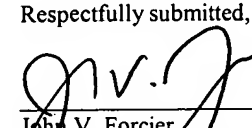
## ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Check Attached <input type="checkbox"/> Copy of Fee Transmittal Form	<input type="checkbox"/> Copy of Notice to File Missing Parts of Application (PTO-1553)	<input type="checkbox"/> Notice of Appeal to Board of Patent Appeals and Interferences
<input type="checkbox"/> Amendment and Response <input type="checkbox"/> Preliminary <input type="checkbox"/> After Final	<input type="checkbox"/> Formal Drawing(s)	<input type="checkbox"/> Appeal Brief (in triplicate)
<input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Letter to Official Draftsperson including Drawings [Total Sheets ____]	<input type="checkbox"/> Request For Continued Examination (RCE) Transmittal	<input type="checkbox"/> Status Inquiry
<input type="checkbox"/> Petition for Extension of Time	<input type="checkbox"/> Associate Power of Attorney	<input checked="" type="checkbox"/> Return Receipt Postcard
<input checked="" type="checkbox"/> Fifth Supplemental Information Disclosure Statement <input checked="" type="checkbox"/> Form PTO-1449 <input type="checkbox"/> Copies of IDS Citations	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Certificate of First Class Mailing under 37 C.F.R. 1.8
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Executed Declaration and Power of Attorney for Utility or Design Patent Application	<input type="checkbox"/> Certificate of Facsimile Transmission under 37 C.F.R. 1.8
<input type="checkbox"/> Sequence Listing submission <input type="checkbox"/> Paper Copy/CD <input type="checkbox"/> Computer Readable Copy <input type="checkbox"/> Statement verifying identity of above	<input type="checkbox"/> Small Entity Statement	<input type="checkbox"/> Additional Enclosure(s) (please identify below)
	<input type="checkbox"/> CD(s) for large table or computer program	
	<input type="checkbox"/> Amendment After Allowance	
	<input type="checkbox"/> Request for Certificate of Correction <input type="checkbox"/> Certificate of Correction (in duplicate)	

## CORRESPONDENCE ADDRESS

Direct all correspondence to: Patent Administrator  
Goodwin | Procter LLP  
Exchange Place  
Boston, MA 02109  
Tel. No.: (617) 570-1000  
Fax No.: (617) 523-1231  
Customer No. 051414

## SIGNATURE BLOCK

Respectfully submitted,  
  
Date: September 1, 2005  
Reg. No. 42,545  
Tel. No.: (617) 570-1607  
Fax No.: (617) 523-1231  
John V. Forcier  
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Attorney No. ADI-098  
(120290/155733)

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Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**FIFTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Sir:

In accordance with the provisions of 37 C.F.R. 1.97 and 1.98, Applicants hereby make of record the patents and publications listed on the accompanying Form PTO-1449, and other information contained herein, for consideration by the Examiner in connection with the examination of the above-identified patent application. In accordance with 37 C.F.R. 1.98(a)(2), only copies of the foreign patent documents and non-patent publications are enclosed.

**REMARKS**

In accordance with the provisions of 37 C.F.R. 1.97, this statement is being filed (CHECK ONE):

- ☒ (1) within three (3) months of the **filing date** of a national application other than a continued prosecution application under 37 C.F.R. 1.53(d), or within three (3) months of the **date of entry of the national stage** as set forth in 37 C.F.R. 1.491 in an international application, or before the mailing of the **first Office action** on the merits, or before the mailing of a **first Office action** after the filing of a request for continued examination under 37 C.F.R. 1.114; or
- ☐ (2) after the period defined in (1) but before the mailing date of a **final action** or a **notice of allowance** under 37 C.F.R. 1.311, and
- ☐ the requisite Statement is below, **OR**
- ☐ the requisite fee under 37 C.F.R. 1.17(p), namely **\$180.00**, is included herein, or

- ☐ (3) after the mailing date of a **final action** or **notice of allowance** but before the payment of the **issue fee**, **AND**
- ☐ the requisite Statement is below, **AND**
- ☐ the requisite petition fee under 37 C.F.R. 1.17(p), namely **\$180.00** is included herein.

It is respectfully requested that each of the patents and publications listed on the attached Form PTO-1449, and other information contained herein, be made of record in this application.

#### STATEMENT

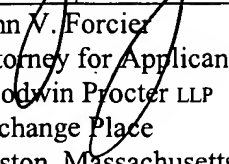
As required under 37 C.F.R. 1.97(e), Applicant(s), through the undersigned, hereby state either that [check the appropriate space only if either (2) or (3) is checked on the previous page and the Statement is required]:

- ☐ 1. Each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application **not more than three months** prior to the filing of the Information Disclosure Statement; or
- ☐ 2. No item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this Statement after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to **any individual** designated in 37 C.F.R. 1.56(c) **more than three months** prior to the filing of the Information Disclosure Statement.

Date: September 1, 2005  
Reg. No. 42,545

Tel. No.: (617) 570-1607  
Fax No.: (617) 523-1231  
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LIBC/2574312.1

Respectfully submitted,

  
\_\_\_\_\_  
John V. Forcier  
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Exchange Place  
Boston, Massachusetts 02109



FORM PTO - 1449

**FIFTH SUPPLEMENTAL INFORMATION  
DISCLOSURE STATEMENT**

ATTORNEY DOCKET NO.: ADI-098

APPLICANTS: Van Noy et al.

SERIAL NO.: 10/712,790

FILING DATE: November 13, 2003 GROUP: 3728

**U.S. PATENT DOCUMENTS**

EXAM. INIT.	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	4,782,602	11/8/88	Lakic			
	5,295,313	3/22/94	Lee			
	5,375,345	12/27/94	Djuric			
	5,401,039	3/28/95	Wolf			
	6,239,501	5/29/01	Komarechka			
	6,255,799	4/3/01	Le et al.			
	6,594,917	7/22/03	Ricco' et al.			
	6,725,571	4/27/04	Liu			
	6,865,825	3/15/05	Bailey, Sr. et al.			
	2002/0050074	5/2/02	Ricco et al.			
	2005/0060906	3/24/05	Zimefeld			

**FOREIGN PATENT DOCUMENTS**

EXAM. INIT.	DOCUMENT NUMBER	DATE	COUNTRY CODE	CLASS	SUB CLASS	FILING DATE	ABSTRACT ONLY	ENGLISH LANG (Y/N)

**OTHER ART, JOURNAL ARTICLES, ETC.**

EXAM. INIT.	OTHER DOCUMENTS: (Including Author, Title, Date, Relevant Pages, Place of Publication)						
EXAMINER				DATE CONSIDERED			